

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JENNIFER S. FISCHMAN,

Plaintiff,

-against-

MITSUBISHI CHEMICAL HOLDINGS
AMERICA, INC.; MITSUBISHI CHEMICAL
CORPORATION; MITSUBISHI CHEMICAL
HOLDINGS CORPORATION; NICHOLAS
OLIVA, in his individual and professional
capacities; DONNA COSTA, in her individual
and professional capacities; and JOHN DOES
1-10, in their individual and professional
capacities,

Defendants.

Index No. 18-cv-08188 (JMF)

**DECLARATION
OF MERCEDES COLWIN**

I, Mercedes Colwin, pursuant to 28 U.S.C. § 1746, hereby declare under penalty of perjury as follows:

1. I am a partner of the law firm GORDON REES SCULLY MANSUKHANI, LLP, attorneys for defendants Mitsubishi Chemical Holdings America, Inc. (“MCHA”), now known as Mitsubishi Chemical America, Inc., Nicholas Oliva, and Donna Costa. From my review of the case file and work on the matter, I have personal knowledge of the facts and circumstances set forth herein.

2. I submit this Declaration in support of defendants’ motion for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure, and for such other and further relief as this Court may deem just and proper.

3. Attached as Exhibit “A” is a true and correct copy of pages 634-35 of the document production of Defendant MCHA (“MCHA Doc. Pr.”).

4. Attached as Exhibit “B” is a true and correct copy of MCHA Doc. Pr. p. 641.
5. Attached as Exhibit “C” is a true and correct copy of MCHA Doc. Pr. p. 665.
6. Attached as Exhibit “D” is a true and correct copy of MCHA Doc. Pr. pp. 806-07.
7. Attached as Exhibit “E” is a true and correct copy of the deposition transcript of Defendant Donna Costa.
8. Attached as Exhibit “F” is a true and correct copy of the deposition transcript of Defendant Nicholas Oliva.
9. Attached as Exhibit “G” is a true and correct copy of the deposition transcript of Patricia Saunders.
10. Attached as Exhibit “H” is a true and correct copy of MCHA Doc. Pr. p. 866.
11. Attached as Exhibit “I” is a true and correct copy of a document produced in native format as page 9399 of the document production of Defendant Mitsubishi Chemical Holdings Corporation, now known as Mitsubishi Chemical Group Corporation.
12. Attached as Exhibit “J” is a true and correct copy of the deposition transcript of Plaintiff Jennifer S. Fischman.
13. Attached as Exhibit “K” is a true and correct copy of Plaintiff’s First Amended Complaint, filed April 6, 2020.
14. Attached as Exhibit “L” is a true and correct copy of Plaintiff’s Complaint, filed September 7, 2018.
15. Attached as Exhibit “M” is a true and correct copy of MCHA Doc. Pr. p. 7.
16. Attached as Exhibit “N” is a true and correct copy of MCHA Doc. Pr. p. 666.
17. Attached as Exhibit “O” is a true and correct copy of MCHA Doc. Pr. p. 664.
18. Attached as Exhibit “P” is a true and correct copy of MCHA Doc. Pr. pp. 753-54.

19. Attached as Exhibit "Q" is a true and correct copy of MCHA Doc. Pr. p. 616.
20. Attached as Exhibit "R" is a true and correct copy of MCHA Doc. Pr. pp. 614-31.
21. Attached as Exhibit "S" is a true and correct copy of MCHA Doc. Pr. pp. 609-13.
22. Attached as Exhibit "T" is a true and correct copy of MCHA Doc. Pr. p. 1208.
23. Attached as Exhibit "U" is a true and correct copy of MCHA Doc. Pr. pp. 1362-67.
24. Attached as Exhibit "V" is a true and correct copy of MCHA Doc. Pr. p. 891.
25. Attached as Exhibit "W" is a true and correct copy of MCHA Doc. Pr. p. 4.
26. Attached as Exhibit "X" is a true and correct copy of MCHA Doc. Pr. p. 2.
27. Attached as Exhibit "Y" is a true and correct copy of MCHA Doc. Pr. p. 5.
28. Attached as Exhibit "Z" is a true and correct copy of MCHA Doc. Pr. p. 1209.
29. Attached as Exhibit "AA" is a true and correct copy of MCHA Doc. Pr. p. 1217.
30. Attached as Exhibit "BB" is a true and correct copy of MCHA Doc. Pr. p. 13.
31. Attached as Exhibit "CC" is a true and correct copy of MCHA Doc. Pr. pp. 821-22.
32. Attached as Exhibit "DD" is a true and correct copy of MCHA Doc. Pr. p. 35.
33. Attached as Exhibit "EE" is a true and correct copy of MCHA Doc. Pr. pp. 64-76.
34. Attached as Exhibit "FF" is a true and correct copy of MCHA Doc. Pr. p. 892.
35. Attached as Exhibit "GG" is a true and correct copy of MCHA Doc. Pr. pp. 1040-44.
36. Attached as Exhibit "HH" is a true and correct copy of MCHA Doc. Pr. pp. 1179-80.
37. Attached as Exhibit "II" is a true and correct copy of MCHA Doc. Pr. p. 1206.
38. Attached as Exhibit "JJ" is a true and correct copy of MCHA Doc. Pr. p. 1212.
39. Attached as Exhibit "KK" is a true and correct copy of MCHA Doc. Pr. p. 123.

40. Attached as Exhibit “LL” is a true and correct copy of MCHA Doc. Pr. p. 133.
41. Attached as Exhibit “MM” is a true and correct copy of MCHA Doc. Pr. pp. 1026-1028.
42. Attached as Exhibit “NN” is a true and correct copy of MCHA Doc. Pr. pp. 186-87.
43. Attached as Exhibit “OO” is a true and correct copy of MCHA Doc. Pr. p. 185.
44. Attached as Exhibit “PP” is a true and correct copy of MCHA Doc. Pr. p. 194.
45. Attached as Exhibit “QQ” is a true and correct copy of MCHA Doc. Pr. pp. 1169-70.
46. Attached as Exhibit “RR” is a true and correct copy of MCHA Doc. Pr. pp. 981-86.
47. Attached as Exhibit “SS” is a true and correct copy of MCHA Doc. Pr. p. 1052.
48. Attached as Exhibit “TT” is a true and correct copy of MCHA Doc. Pr. p. 896.
49. Attached as Exhibit “UU” is a true and correct copy of MCHA Doc. Pr. pp. 281-82.
50. Attached as Exhibit “VV” is a true and correct copy of MCHA Doc. Pr. pp. 1024-25.
51. Attached as Exhibit “WW” is a true and correct copy of MCHA Doc. Pr. pp. 951-52.
52. Attached as Exhibit “XX” is a true and correct copy of MCHA Doc. Pr. pp. 1122-24.
53. Attached as Exhibit “YY” is a true and correct copy of MCHA Doc. Pr. pp. 1047-48.
54. Attached as Exhibit “ZZ” is a true and correct copy of MCHA Doc. Pr. pp. 943-44.

55. Attached as Exhibit “AAA” is a true and correct copy of MCHA Doc. Pr. pp. 973-74.
56. Attached as Exhibit “BBB” is a true and correct copy of MCHA Doc. Pr. pp. 957-58.
57. Attached as Exhibit “CCC” is a true and correct copy of MCHA Doc. Pr. p. 278.
58. Attached as Exhibit “DDD” is a true and correct copy of MCHA Doc. Pr. pp. 292-94.
59. Attached as Exhibit “EEE” is a true and correct copy of MCHA Doc. Pr. p. 1175.
60. Attached as Exhibit “FFF” is a true and correct copy of MCHA Doc. Pr. p. 1020.
61. Attached as Exhibit “GGG” is a true and correct copy of MCHA Doc. Pr. pp. 1022-23.
62. Attached as Exhibit “HHH” is a true and correct copy of MCHA Doc. Pr. pp. 346-47.
63. Attached as Exhibit “III” is a true and correct copy of MCHA Doc. Pr. pp. 375-83.
64. Attached as Exhibit “JJJ” is a true and correct copy of MCHA Doc. Pr. pp. 1120-21.
65. Attached as Exhibit “KKK” is a true and correct copy of MCHA Doc. Pr. p. 412.
66. Attached as Exhibit “LLL” is a true and correct copy of MCHA Doc. Pr. p. 903.
67. Attached as Exhibit “MMM” is a true and correct copy of MCHA Doc. Pr. pp. 600-02.
68. Attached as Exhibit “NNN” is a true and correct copy of MCHA Doc. Pr. pp. 1072-75.
69. Attached as Exhibit “OOO” is a true and correct copy of MCHA Doc. Pr. p. 461.

70. Attached as Exhibit “PPP” is a true and correct copy of MCHA Doc. Pr. pp. 2360-61.
71. Attached as Exhibit “QQQ” is a true and correct copy of MCHA Doc. Pr. pp. 465-66.
72. Attached as Exhibit “RRR” is a true and correct copy of MCHA Doc. Pr. pp. 854-56.
73. Attached as Exhibit “SSS” is a true and correct copy of MCHA Doc. Pr. p. 905.
74. Attached as Exhibit “TTT” is a true and correct copy of MCHA Doc. Pr. p. 1219.
75. Attached as Exhibit “UUU” is a true and correct copy of MCHA Doc. Pr. p. 1218.
76. Attached as Exhibit “VVV” is a true and correct copy of MCHA Doc. Pr. p. 861.
77. Attached as Exhibit “WWW” is a true and correct copy of Plaintiff Jennifer Fischman Document Production pp. 830-31.
78. Attached as Exhibit “XXX” is a true and correct copy of the Expert Report of Gerald M. LaPorte.
79. Attached as Exhibit “YYY” is a true and correct copy of MCHA Doc. Pr. pp. 864-65.
80. Attached as Exhibit “ZZZ” is a true and correct copy of MCHA Doc. Pr. pp. 1102-1103.
81. Attached as Exhibit “AAAA” is a true and correct copy of MCHA Doc. Pr. pp. 1306-09.
82. Attached as Exhibit “BBBB” is a true and correct copy of MCHA Doc. Pr. pp. 590-99.

83. Attached as Exhibit “CCCC” is a true and correct copy of MCHA Doc. Pr. pp. 1831-32.
84. Attached as Exhibit “DDDD” is a true and correct copy of MCHA Doc. Pr. pp. 1422-23.
85. Attached as Exhibit “EEEE” is a true and correct copy of MCHA Doc. Pr. pp. 1419-21.
86. Attached as Exhibit “FFFF” is a true and correct copy of MCHA Doc. Pr. pp. 876-77.
87. Attached as Exhibit “GGGG” is a true and correct copy of MCHA Doc. Pr. pp. 872-73.
88. Attached as Exhibit “HHHH” is a true and correct copy of MCHA Doc. Pr. pp. 882-83.
89. Attached as Exhibit “IIII” is a true and correct copy of MCHA Doc. Pr. pp. 885-86.
90. Attached as Exhibit “JJJJ” is a true and correct copy of MCHA Doc. Pr. p. 2322.
91. Attached as Exhibit “KKKK” is a true and correct copy of MCHA Doc. Pr. p. 2315.
92. Attached as Exhibit “LLLL” is a true and correct copy of MCHA Doc. Pr. pp. 878-79.
93. Attached as Exhibit “MMMM” is a true and correct copy of the deposition transcript of Joshua Berman.
94. Attached as Exhibit “NNNN” is a true and correct copy of MCHA Doc. Pr. p. 1836.
95. Attached as Exhibit “OOOO” is a true and correct copy of MCHA Doc. Pr. pp. 880-81.

96. Attached as Exhibit “PPPP” is a true and correct copy of MCHA Doc. Pr. pp. 844-45.
97. Attached as Exhibit “QQQQ” is a true and correct copy of MCHA Doc. Pr. pp. 842-43.
98. Attached as Exhibit “RRRR” is a true and correct copy of MCHA Doc. Pr. pp. 838-39.
99. Attached as Exhibit “SSSS” is a true and correct copy of MCHA Doc. Pr. p. 1107-08.
100. Attached as Exhibit “TTTT” is a true and correct copy of MCHA Doc. Pr. pp. 489-90.
101. Attached as Exhibit “UUUU” is a true and correct copy of MCHA Doc. Pr. pp. 999-1001.

Executed on November 1, 2022 in New York, New York.

/s/Mercedes Colwin
Mercedes Colwin